

In the Matter of

DELETE, DELETE, DELETE

To: The Commission

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GN Docket No. 25-133

COMMENTS OF GEORGIA COLLEGE & STATE UNIVERSITY

Georgia College & State University (“GCSU”),¹ by its counsel, respectfully submits these Comments in response to the Commission’s ongoing review of its rules under GN Docket No. 25-133² to identify “FCC rules for the purpose of alleviating unnecessary regulatory burdens.” Other Commenters may identify other unnecessary rules, but GCSU focuses on the elimination of four outdated and burdensome rules: (a) 47 C.F.R. § 73.2080 (Equal Employment Opportunity requirements); (b) 47 C.F.R. § 73.3527(e)(8) (Issues and Programs Lists); (c) 47 C.F.R. § 73.3527(e)(9) (Donor lists); and (d) 47 C.F.R. § 73.3615(a) (Biennial Ownership Reports). (These rules impose unnecessary regulatory costs, duplicate existing federal oversight, and fail to reflect the reality of today’s media landscape. GCSU proposes replacing § 73.2080 with enforcement by the Equal Employment Opportunity Commission (“EEOC”), and eliminating entirely §73.3527(e)(8) and (9) and §73.3615. These changes would modernize the regulatory framework, enhance operational flexibility, and better serve the public interest.

I. Elimination of 47 C.F.R. § 73.2080 (EEO Requirements)

¹ GCSU is licensee of noncommercial educational (“NCE”) radio stations WGUR(FM) and WRGC-FM, both licensed to serve Milledgeville, Georgia.

² See *In Re: Delete, Delete, Delete*, Public Notice DA25-219, released March 12, 2025. These Comments are timely filed by April 11, 2025.

The Commission's Equal Employment Opportunity (EEO) rule, 47 C.F.R. § 73.2080, requires broadcast licensees to provide equal employment opportunities (a requirement that GCSU strongly supports) but also requires certain licensees³ to maintain extensive recruitment, reporting, and recordkeeping obligations. Nondiscrimination in employment is a critical principle not only of FCC rules and policy, but one of the most basic and important legal rights.⁴ However, the FCC's EEO rule is redundant in light of the comprehensive authority of the Equal Employment Opportunity Commission ("EEOC") under Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e et seq.). The EEOC is the federal agency specifically tasked with enforcing workplace antidiscrimination laws across all industries, including broadcasting.

Section 73.2080 of the FCC's Rules requires each station employment unit ("SEU") with five or more full-time employees to establish, maintain, and carry out a positive continuing program of specific practices designed to ensure equal opportunity and nondiscrimination in every aspect of station employment policy and practice. An SEU must: (1) Recruit for every full-time job vacancy in its operation; (2) Engage in specified recruitment initiatives; (3) Periodically analyze its recruitment program to insure its effectiveness; and (4) Retain detailed records to document that it has satisfied the requirement of the FCC's rule.

The rule requires these stations to upload annually to their Online Public Inspection Files ("OPIF") and their websites (if the station has one): (1) A list of all full-time vacancies filled by the station's employment unit during the preceding year, identified by job title; (2) For each such vacancy, the recruitment source(s) utilized to fill the vacancy; (3) The recruitment source that

³ Those with five or more full-time employees.

⁴ In the *Promoting Diversification of Ownership in the Broadcast Services Report and Order*, Report and Order and Third Further Notice of Proposed Rulemaking, 23 FCC Rcd 5922, 5941, para. 49 (2008), the Commission required commercial TV and radio broadcasters to certify in their renewal applications that their advertising sales agreements contained nondiscrimination clauses.

referred the hiree for each full-time vacancy during the preceding year; (4) Data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) A list and brief description of initiatives undertaken during the preceding year.

Stations are also subject to random audits of their EEO efforts which require the review and uploading to the OPIF of voluminous documents. None of these tasks has been convincingly demonstrated to have any positive affect on broadcast employment, and as the rule is apparently ineffective to encourage equal employment opportunity (and the EEOC provides a mechanism to enforce nondiscrimination), the rule should be eliminated. This overlap wastes licensee resources and diverts FCC attention from its core mission of regulating communications infrastructure and spectrum use.

Historical FCC proceedings, such as the *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules*⁵ justified these rules as a means to promote diversity. The Commission's EEO requirements have most recently been addressed in *FCC Seeks Comment on Issues Related to EEO Data Collection*⁶; and *FCC Reinstates Use of EEO Form 395-B*,⁷ (reinstating FCC Form 395-B that collects employment data.

However, the Supreme Court's decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*⁸ has raised questions about the constitutionality of race-conscious policies, potentially undermining the legal foundation of the FCC's EEO recruitment and record-keeping requirements.

⁵ Report and Order, 15 FCC Rcd 2329 (2000), *reconsideration denied with clarification*, 15 FCC Rcd 22548 (2000).

⁶ 36 FCC Rcd 12055 (2021).

⁷ 39 FCC Rcd 12055 (2024).

⁸ 600 U.S. 181, 143 S. Ct. 2141, 216 L. Ed. 2d 857 (2023).

GCSU proposes eliminating § 73.2080 and deferring EEO enforcement to the EEOC, which has greater expertise and broader jurisdiction. This would streamline oversight, reduce regulatory redundancy, and align the FCC's role with its statutory mandate under the Communications Act of 1934.⁹ If a Commission licensee were found by the EEOC to have engaged in discrimination in its employment practices, that fact could be used as a factor in whether to renew the license for such a station.

II. Elimination of 47 C.F.R. § 73.3527(e)(8) (Issues and Programs Lists)

Title 47 C.F.R. § 73.3527(e)(8) requires NCE stations every three months to upload to their OPIFs a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period and a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. This requirement is an anachronism in the digital age. The Rule is rooted in the FCC's original public interest standard developed in an era when radio and television were dominant media sources (see *Red Lion Broadcasting Co. v. FCC*).¹⁰ Today, however, listeners have access to diverse content via satellite radio, streaming platforms, podcasts, and social media, rendering obsolete scarcity of spectrum as justification for regulation. The preparation and retention of these lists impose significant administrative burdens without clear evidence of public benefit. In *Elimination of Main Studio Rule*¹¹, the Commission transitioned the requirement to maintain these records to the OPIF, but this shift merely digitized an outdated obligation rather than eliminating it. Market forces and audience demand already incentivize stations to address

⁹ Communications Act of 1934, as amended, Title 47 USC §§151 *et seq.*

¹⁰ 395 U.S. 367, 89 S. Ct. 1794, 23 L. Ed. 2d 371 (1969).

¹¹ 32 FCC Rcd 8158 (2017).

community needs, as demonstrated by the proliferation of hyper-local podcasts and online news outlets. The Commission has sought comment on reducing unnecessary regulations and undue regulatory burdens that can stand in the way of competition and innovation in media markets. (see *Modernization of Media Regulation Initiative*)¹² and elimination of Section 73.3527(e)(8) would advance this goal.

In addition, the mere act of inadvertent failure to timely upload lists to the OPIF by the 10th of the month following the close of the three-month quarter may result in hefty monetary forfeitures, short-term license renewals and consent decrees.¹³

Eliminating Section 73.3527(e)(8) would reduce compliance costs and free broadcasters to focus on innovative programming, trusting listeners—not regulators—to shape content through their choices. No replacement is necessary, as the public interest is adequately served by today’s media diversity.

III. Elimination of 47 C.F.R. § 73.3527(e)(9) (Donor Lists)

Section 73.3527(e)(9) requires NCE stations to maintain and make available lists of donors supporting specific programs in their OPIFs. This rule is outdated given the prevalence of alternative disclosure mechanisms. NCE stations acknowledge donors on-air, driven by fundraising needs as well as sponsorship identification requirements. The administrative effort to compile and update these lists burdens NCE stations without demonstrable public benefit. The FCC’s shift to the OPIF (*Expansion of Online Public File Obligations*)¹⁴ modernized access but did not address this rule’s obsolescence. In an era of crowdfunding and digital transparency,

¹² Public Notice, 32 FCC Rcd 4406 (2017).

¹³ See, *Minority Television Project*, DA 25-36, released February 2, 2025 (Consent Decree, payment of \$25,000 and implementation of a compliance program); *KALO-TV, Inc.* FCC 24-1076, released October 15, 2024 (Notice of Apparent Liability for \$20,000 forfeiture); *Mississippi Authority for Educational TV*, 39 FCC Rcd 6900 (2024)(Consent Decree, payment of \$5,625 and implementation of a compliance program).

§ 73.3527(e)(9) serves little purpose beyond adding paperwork. Eliminating it would free NCE broadcasters to focus on community service rather than redundant recordkeeping.

IV. Elimination of 47 C.F.R. § 73.3580 (Local Public Notice Announcements)

Section 73.3580 mandates that NCE stations broadcast local public notice announcements and post information to their internet websites for license renewals, assignments, or transfers. This rule, designed for an era of limited communication channels, is obsolete in 2025. The FCC's public Licensing and Management System ("LMS") and daily issuance of public notices provide instant, widespread access to such information, far surpassing the reach of sporadic broadcasts or internet notices. The 2016 *Online Public File Order*, *supra*, acknowledged this shift by requiring online postings, yet retained the outdated announcement requirement.

Eliminating § 73.3580 would modernize notification practices, relying on digital platforms already mandated by the FCC, and spare NCE broadcasters unnecessary expense and effort.

V. Elimination of 47 C.F.R. § 73.3615(a) (Biennial Ownership Reports)

Section 73.3615(a) requires NCE licensees to file biennial ownership reports (FCC Form 323-E), detailing organizational structures and attributable interests. Originally intended to monitor ownership concentration, this rule is ill-suited to NCE stations, which are nonprofit entities with stable governance and no commercial ownership stakes. Sections 73.3615(b)-(g) require the filing of ownership reports with new construction permits, new licenses, and after the consummation of long-form assignment or transfer applications. Biennial data—often

¹⁴ 31 FCC Rcd 526 (2016).

unchanged year-to-year—offers little insight into NCE operations, yet the filing process imposes significant administrative demands on resource-constrained stations.

The FCC's *Ownership Reporting Streamlining Order, Report and Order*¹⁵ simplified some aspects but retained the biennial mandate, but eliminating this rule would align reporting obligations with the nonprofit nature of NCE broadcasting and reduce unnecessary regulatory overhead.

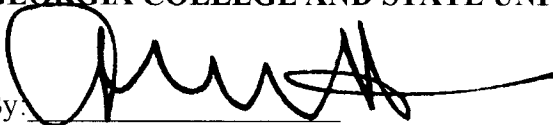
VII. Conclusion

The elimination of 47 C.F.R. § 73.2080, § 73.3527(e)(8), § 73.3527(e)(9), § 73.580, and § 73.3615 would relieve NCE broadcasters of antiquated and redundant obligations, fostering a more efficient regulatory framework. The Commission should replace § 73.2080 with EEOC enforcement and abolish the remaining rule sections outright. These changes would reflect the digital age's realities, reduce compliance burdens, and enable NCE stations to better serve their communities.

In light of the foregoing, GCSU respectfully requests the Commission to take the actions set forth above.

Respectfully submitted,

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¹⁵ 31 FCC Rcd 398 (2016).